



LEGISLATIVE COMMITTEE MEETING

AGENDA

**Four Points by Sheraton
4900 Duckhorn Drive
Sacramento, California 95834
(916) 263-9000**

March 6, 2013

Wednesday, March 6, 2013: 3:00 p.m. - 4:00 p.m.

7.0 Review and Approve Minutes

- January 9, 2013

7.1 Positions on Bills of Interest to the Board, and any other Bills of Interest to the Board introduced during the 2013-2014 Legislative Session.

Assembly Bills

AB 154
AB 186
AB 213
AB 291
AB 361

Senate Bills

SB 271

7.2 Public Comment for Items Not on the Agenda

NOTICE:

All times are approximate and subject to change. Items may be taken out of order to maintain a quorum, accommodate a speaker, or for convenience. The meeting may be canceled without notice. For verification of the meeting, call (916) 574-7600 or access the Board's Web Site at <http://www.rn.ca.gov>. Action may be taken on any item listed on this agenda, including information only items.

Public comments will be taken on agenda items at the time the item is heard. Total time allocated for public comment may be limited.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Administration Unit at (916) 574-7600 or email webmasterbrn@dca.ca.gov, or send a written request to the Board of Registered Nursing at 1747 N. Market Blvd., Ste. 150, Sacramento, CA 95834. (Hearing impaired: California Relay Service: TDD phone # (916) 322-1700). Providing your request at least five (5) business days before the meeting will help to ensure the availability of the requested accommodation.

Board members who are not members of this committee may attend meetings as observers only, and may not participate or vote. Action may be taken on any item listed on this agenda, including information only items. Items may be taken out of order for convenience, to accommodate speakers, or maintain a quorum.



**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
MEETING MINUTES**

DATE: October 30, 2012

TIME: 9:00 a.m.-10:00 a.m.

LOCATION: Doubletree Hotel- Berkeley Marina
200 Marina Boulevard
Berkeley, California 94710

MEMBERS PRESENT: Erin Niemela, Chair
Trande Phillips

STAFF PRESENT: Louise Bailey, Executive Officer
Kay Weinkam, NEC, Staff Liaison

The Chair called the meeting to order at 9:08 a.m.

7.0 Review and Approve Minutes of August 29, 2012

The minutes of August 29, 2012 were approved.

7.1 Adopt/Modify Positions on Bills of Interest to the Board

The Governor signed or vetoed legislation from this session by September 30th. The following bills were presented to the Committee as information items.

AB 40 Yamada: Elder abuse: reporting
Board position: Watch
Committee position: *No action taken*
Bill status: Chapter 659, Statutes of 2012

AB 1588 Atkins: Professions and vocations: reservist licensees: fees and continuing education
Committee position: *No action taken*
Bill status: Chapter 742, Statutes of 2012

AB 2296 Block: California Private Postsecondary Education Act of 2009
Committee position: *No action taken*
Bill status: Chapter 585, Statutes of 2012

SB 122 **Price: Healing Arts**
Board position: *Support. Letter of support sent to the bill's author*
Committee position: *No action taken*
Bill status: Chapter 789, Statutes of 2012

SB 1524 **Hernandez, E: Nurse practitioners**
Committee position: *No action taken*
Bill status: Chapter 796, Statutes of 2012


7.2 **2011-2012 Goals and Objectives: Summary of Accomplishments**
Information item. No action taken.

7.3 **2011-2012 Legislative Session Summary**
Information item. No action taken.

7.4 **2013-2014 Goals and Objectives for the Two-year Legislative Session**
Discussion ensued. No action taken.

7.5 **Public Comment for Items Not on the Agenda**
There were no comments from the public.

The meeting was adjourned at 9:40 a.m.

Submitted by: 
Kay Weinkam, M.S., RN, CNS, Nursing Education Consultant

Approved by: 
Erin Niemela, Chair



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Louise R. Bailey, MEd, RN, Executive Officer



**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
MEETING MINUTES**

DATE: January 9, 2013

TIME: 2:00 p.m. - 3:00 p.m.

LOCATION: Ayres Hotel
325 Bristol Street
Costa Mesa, California 92626

MEMBERS PRESENT: Erin Niemela, Chair
Cindy Klein
Trande Phillips

STAFF PRESENT: Louise Bailey, Executive Officer
Kay Weinkam, NEC, Staff Liaison

The Chair called the meeting to order at 2:05 p.m.

7.0 Review and Approve Minutes

The minutes of October 30, 2012, were approved.

7.1 2013-2014 Goals and Objectives for the two-year Legislative Session

The 2013-2014 Goals and Objectives were approved.

7.2 Positions on Bills of Interest to the Board, and any other Bills of Interest to the Board introduced during the 2013-2014 Legislative Session

No bills were presented.

7.3 Public Comment for Items Not on the Agenda

There were no comments from the public.

The meeting adjourned at 2:10 p.m.

Submitted by: _____
Kay Weinkam, Nursing Education Consultant

Approved by: _____
Erin Niemela, Chair

BOARD OF REGISTERED NURSING
Legislative Committee
Agenda Item Summary

AGENDA ITEM: 7.1

DATE: March 6, 2013

ACTION REQUESTED: Positions on Bills of Interest to the Board, and any other Bills of Interest to the Board introduced during the 2013-2014 Legislative Session.

REQUESTED BY: Kay Weinkam, M.S., RN, CNS
Nursing Education Consultant

BACKGROUND:

Assembly Bills

Senate Bills

AB 154

SB 271

AB 186

AB 213

AB 291

AB 361

NEXT STEP: Place on Board agenda

FINANCIAL IMPACT, IF ANY: None

PERSON TO CONTACT: Kay Weinkam, NEC
(916) 574-7600

**BOARD OF REGISTERED NURSING
ASSEMBLY BILLS 2013-2014
March 6, 2013**

BILL #	AUTHOR	SUBJECT	COMM POSITION	BOARD POSITION	BILL STATUS
AB 154	Atkins	Healing arts: reproductive health care		Watch (2/6)	Introduced
AB 186	Maienschein	Professions and vocations: military spouses: temporary licenses			Introduced
AB 213	Logue	Healing arts: licensure and certification requirements: military experience			Introduced
AB 291	Nestande	California Sunset Review Committee			Introduced
AB 361	Mitchell	Medi-Cal: health homes for Medi- Cal enrollees			Introduced

Bold denotes a bill which was amended subsequent to the Board's position or is a new bill for Board consideration.

**BOARD OF REGISTERED NURSING
SENATE BILLS 2013-2014
March 6, 2013**

BILL #	AUTHOR	SUBJECT	COMM POSITION	BOARD POSITION	BILL STATUS
SB 271	Hernandez, E.	Associate Degree Nursing Scholarship Program			Introduced

Bold denotes a bill which was amended subsequent to the Board's position or is a new bill for Board consideration.

ASSEMBLY BILL

No. 186

**Introduced by Assembly Member Maienschein
(Principal coauthor: Assembly Member Hagman)**

January 28, 2013

An act to amend Section 115.5 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 186, as introduced, Maienschein. Professions and vocations: military spouses: temporary licenses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Under existing law, licensing fees imposed by certain boards within the department are deposited in funds that are continuously appropriated. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This bill would authorize a board within the department to issue a provisional license to an applicant who qualifies for an expedited license

pursuant to the above-described provision. The bill would require the provisional license to expire after 18 months.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 115.5 of the Business and Professions
2 Code is amended to read:
3 115.5. (a) A board within the department shall expedite the
4 licensure process for an applicant who meets both of the following
5 requirements:
6 (1) Supplies evidence satisfactory to the board that the applicant
7 is married to, or in a domestic partnership or other legal union
8 with, an active duty member of the Armed Forces of the United
9 States who is assigned to a duty station in this state under official
10 active duty military orders.
11 (2) Holds a current license in another state, district, or territory
12 of the United States in the profession or vocation for which he or
13 she seeks a license from the board.
14 (b) *For each applicant who is eligible for an expedited license*
15 *pursuant to subdivision (a), the board may provide a provisional*
16 *license while the board processes the application for licensure.*
17 *The provisional license shall expire 18 months after issuance.*
18 ~~(b)~~
19 (c) A board may adopt regulations necessary to administer this
20 section.

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
February 6, 2013
BILL ANALYSIS**

AUTHOR:	Maienschein	BILL NUMBER:	AB 186
SPONSOR:	Maienschein	BILL STATUS:	Introduced
SUBJECT:	Professions and vocations: military spouses: temporary licenses	DATE LAST AMENDED:	

SUMMARY:

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Under existing law, licensing fees imposed by certain boards within the department are deposited in funds that are continuously appropriated. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

ANALYSIS:

This bill would authorize a board within the department to issue a provisional license to an applicant who qualifies for an expedited license pursuant to the above-described provision. The bill would require the provisional license to expire after 18 months.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

OPPOSE:

ASSEMBLY BILL

No. 213

**Introduced by Assembly Member Logue
(Principal coauthor: Assembly Member Pan)**

January 31, 2013

An act to add Section 712 to the Business and Professions Code, and to add Section 131136 to the Health and Safety Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 213, as introduced, Logue. Healing arts: licensure and certification requirements: military experience.

Existing law provides for the licensure and regulation of various healing arts professions and vocations by boards within the Department of Consumer Affairs. Existing law requires the rules and regulations of these healing arts boards to provide for methods of evaluating education, training, and experience obtained in military service if such training is applicable to the requirements of the particular profession or vocation regulated by the board. Under existing law, specified other healing arts professions are licensed or certified and regulated by the State Department of Public Health. In some instances, a board with the Department of Consumer Affairs or the State Department of Public Health approves schools offering educational course credit for meeting licensing or certification qualifications and requirements.

This bill would require a healing arts board within the Department of Consumer Affairs and the State Department of Public Health, upon the presentation of evidence by an applicant for licensure or certification, to accept education, training, and practical experience completed by an applicant in military service toward the qualifications and requirements

to receive a license or certificate if that education, training, or experience is equivalent to the standards of the board or department. If a board or the State Department of Public Health accredits or otherwise approves schools offering educational course credit for meeting licensing and certification qualifications and requirements, the bill would, not later than July 1, 2014, require those schools seeking accreditation or approval to have procedures in place to evaluate an applicant's military education, training, and practical experience toward the completion of an educational program that would qualify a person to apply for licensure or certification, as specified.

Under existing law, the Department of Veterans Affairs has specified powers and duties relating to various programs serving veterans. Under existing law, the Chancellor of the California State University and the Chancellor of the California Community Colleges have specified powers and duties relating to statewide health education programs.

With respect to complying with the bill's requirements and obtaining specified funds to support compliance with these provisions, this bill would require the Department of Veterans Affairs, the Chancellor of the California State University, and the Chancellor of the California Community Colleges to provide technical assistance to the healing arts boards within the Department of Consumer Affairs, the State Department of Public Health, and to the schools offering, or seeking to offer, educational course credit for meeting licensing qualifications and requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Veterans Health Care Workforce Act of 2012.
- 3 SEC. 2. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) Lack of health care providers continues to be a significant
- 6 barrier to access to health care services in medically underserved
- 7 urban and rural areas of California.
- 8 (2) Veterans of the United States Armed Forces and the
- 9 California National Guard gain invaluable education, training, and
- 10 practical experience through their military service.

1 (3) According to the federal Department of Defense, as of June
2 2011, one million veterans were unemployed nationally and the
3 jobless rate for post-9/11 veterans was 13.3 percent, with young
4 male veterans 18 to 24 years of age experiencing an unemployment
5 rate of 21.9 percent.

6 (4) According to the federal Department of Defense, during the
7 2011 federal fiscal year, 8,854 enlisted service members with
8 medical classifications separated from active duty.

9 (5) According to the federal Department of Defense, during the
10 2011 federal fiscal year, 16,777 service members who separated
11 from active duty listed California as their state of residence.

12 (6) It is critical, both to veterans seeking to transition to civilian
13 health care professions and to patients living in underserved urban
14 and rural areas of California, that the Legislature ensures that
15 veteran applicants for licensure by healing arts boards within the
16 Department of Consumer Affairs or the State Department of Public
17 Health are expedited through the qualifications and requirements
18 process.

19 (b) It is the intent of the Legislature to ensure that boards within
20 the Department of Consumer Affairs and the State Department of
21 Public Health and schools offering educational course credit for
22 meeting licensing qualifications and requirements fully and
23 expeditiously recognize and provide credit for an applicant's
24 military education, training, and practical experience.

25 SEC. 3. Section 712 is added to the Business and Professions
26 Code, to read:

27 712. (a) Notwithstanding any other provision of law, a board
28 under this division shall, upon the presentation of satisfactory
29 evidence by an applicant for licensure, accept the education,
30 training, and practical experience completed by the applicant as a
31 member of the United States Armed Forces or Military Reserves
32 of the United States, the national guard of any state, the military
33 reserves of any state, or the naval militia of any state, toward the
34 qualifications and requirements for licensure by that board if the
35 board determines that the education, training, or practical
36 experience is equivalent to the standards of the board.

37 (b) Not later than July 1, 2014, if a board under this division
38 accredits or otherwise approves schools offering educational course
39 credit for meeting licensing qualifications and requirements, the
40 board shall require a school seeking accreditation or approval to

1 submit to the board proof that the school has procedures in place
2 to evaluate, upon presentation of satisfactory evidence by the
3 applicant, the applicant's military education, training, and practical
4 experience toward the completion of an educational program that
5 would qualify a person to apply for licensure if the school
6 determines that the education, training, or practical experience is
7 equivalent to the standards of the board. A board that requires a
8 school to be accredited by a national organization shall not impose
9 requirements on the school that conflict with the standards of the
10 national organization.

11 (c) With respect to complying with the requirements of this
12 section including the determination of equivalency between the
13 education, training, or practical experience of an applicant and the
14 board's standards, and obtaining state, federal, or private funds to
15 support compliance with this section, the Department of Veterans
16 Affairs, the Chancellor of the California State University, and the
17 Chancellor of the California Community Colleges shall provide
18 technical assistance to the boards under this division and to the
19 schools under this section.

20 SEC. 4. Section 131136 is added to the Health and Safety Code,
21 to read:

22 131136. (a) Notwithstanding any other provision of law, the
23 department shall, upon the presentation of satisfactory evidence
24 by an applicant for licensure or certification in one of the
25 professions described in subdivision (b), accept the education,
26 training, and practical experience completed by the applicant as a
27 member of the United States Armed Forces or Military Reserves
28 of the United States, the national guard of any state, the military
29 reserves of any state, or the naval militia of any state, toward the
30 qualifications and requirements for licensure by the department if
31 the department determines that the education, training, or practical
32 experience is equivalent to the standards of the department.

33 (b) The following professions are subject to this section:

34 (1) Medical laboratory technician as described in Section 1260.3
35 of the Business and Professions Code.

36 (2) Clinical laboratory scientist as described in Section 1262 of
37 the Business and Professions Code.

38 (3) Radiologic technologist as described in Chapter 6
39 (commencing with Section 114840) of Part 9 of Division 104.

1 (4) Nuclear medicine technologist as described in Chapter 4
2 (commencing with Section 107150) of Part 1 of Division 104.

3 (5) Certified nurse assistant as described in Article 9
4 (commencing with Section 1337) of Chapter 2 of Division 2.

5 (6) Certified home health aide as described in Section 1736.1.

6 (7) Certified hemodialysis technician as described in Article
7 3.5 (commencing with Section 1247) of Chapter 3 of Division 2
8 of the Business and Professions Code.

9 (8) Nursing home administrator as described in Chapter 2.35
10 (commencing with Section 1416) of Division 2.

11 (c) Not later than July 1, 2014, if the department accredits or
12 otherwise approves schools offering educational course credit for
13 meeting licensing and certification qualifications and requirements,
14 the department shall require a school seeking accreditation or
15 approval to submit to the board proof that the school has procedures
16 in place to fully accept an applicant's military education, training,
17 and practical experience toward the completion of an educational
18 program that would qualify a person to apply for licensure or
19 certification if the school determines that the education, training,
20 or practical experience is equivalent to the standards of the
21 department. If the department requires a school to be accredited
22 by a national organization, the requirement of the department shall
23 not, in any way, conflict with standards set by the national
24 organization.

25 (d) With respect to complying with the requirements of this
26 section including the determination of equivalency between the
27 education, training, or practical experience of an applicant and the
28 department's standards, and obtaining state, federal, or private
29 funds to support compliance with this section, the Department of
30 Veterans Affairs, the Chancellor of the California State University,
31 and the Chancellor of the California Community Colleges shall
32 provide technical assistance to the department, to the State Public
33 Health Officer, and to the schools described in this section.

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
March 6, 2013
BILL ANALYSIS**

AUTHOR:	Logue	BILL NUMBER:	AB 213
SPONSOR:		BILL STATUS:	Introduced
SUBJECT:	Healing arts: licensure and certification requirements: military experience	DATE LAST AMENDED:	

SUMMARY:

Existing law provides for the licensure and regulation of various healing arts professions and vocations by boards within the Department of Consumer Affairs. Existing law requires the rules and regulations of these healing arts boards to provide for methods of evaluating education, training, and experience obtained in military service if such training is applicable to the requirements of the particular profession or vocation regulated by the board. Under existing law, specified other healing arts professions are licensed or certified and regulated by the State Department of Public Health. In some instances, a board with the Department of Consumer Affairs or the State Department of Public Health approves schools offering educational course credit for meeting licensing or certification qualifications and requirements.

Under existing law, the Department of Veterans Affairs has specified powers and duties relating to various programs serving veterans. Under existing law, the Chancellor of the California State University and the Chancellor of the California Community Colleges have specified powers and duties relating to statewide health education programs.

ANALYSIS:

This bill would require a healing arts board within the Department of Consumer Affairs and the State Department of Public Health, upon the presentation of evidence by an applicant for licensure or certification, to accept education, training, and practical experience completed by an applicant in military service toward the qualifications and requirements to receive a license or certificate if that education, training, or experience is equivalent to the standards of the board or department. If a board or the State Department of Public Health accredits or otherwise approves schools offering educational course credit for meeting licensing and certification qualifications and requirements, the bill would, not later than July 1, 2014, require those schools seeking accreditation or approval to have procedures in place to evaluate an applicant's military education, training, and practical experience toward the completion of an educational program that would qualify a person to apply for licensure or certification, as specified.

With respect to complying with the bill's requirements and obtaining specified funds to support compliance with these provisions, this bill would require the Department of Veterans Affairs, the Chancellor of the California State University, and the Chancellor of the California Community Colleges to provide technical assistance to the healing arts boards within the Department of Consumer Affairs,

the State Department of Public Health, and to the schools offering, or seeking to offer, educational course credit for meeting licensing qualifications and requirements.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

OPPOSE:

ASSEMBLY BILL

No. 291

Introduced by Assembly Member Nestande

February 11, 2013

An act to amend and repeal Sections 9147.7, 9148.50, 9148.51, and 9148.52 of, to amend, repeal, and add Section 9148.8 of, and to add Article 7.6 (commencing with Section 9147.9) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of, the Government Code, relating to state government.

LEGISLATIVE COUNSEL’S DIGEST

AB 291, as introduced, Nestande. California Sunset Review Commission.

Existing law establishes the Joint Sunset Review Committee, a legislative committee comprised of 10 Members of the Legislature, to identify and eliminate waste, duplication, and inefficiency in government agencies and to conduct a comprehensive analysis of every “eligible agency” for which a date for repeal has been established, to determine if the agency is still necessary and cost effective. Existing law requires each eligible agency scheduled for repeal to submit a report to the committee containing specified information. Existing law requires the committee to take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed, and requires that an eligible agency be eliminated unless the Legislature enacts a law to extend, consolidate, or reorganize the agency. Existing law also requires the committee to review eligible agencies and evaluate and determine whether each has demonstrated a public need for its continued existence and to submit a report to the Legislature detailing whether an

agency should be terminated, continued, or whether its functions should be modified.

This bill would abolish the Joint Sunset Review Committee on January 1 or an unspecified year. The bill would, commencing on that same January 1, establish the California Sunset Review Commission within the executive branch to assess the continuing need for any agency, as defined, to exist. The commission would consist of 10 members, with 8 members appointed by the Governor and 2 Members of the Legislature each appointed by the Senate Committee on Rules and the Speaker of the Assembly, subject to specified terms. The commission would be under the direction of a director appointed by the commission members. The bill would require the commission to meet regularly and to work with each agency subject to review to evaluate the need for the agency to exist, identify required statutory, regulatory, or management changes, and develop legislative proposals to enact those changes. The bill would require the commission to prepare a report, containing legislative recommendations based on its agency review, to be submitted to the Legislature and would also require the commission to meet certain cost-savings standards within 5 years.

This bill would require an agency to submit a specified self-evaluation report to the commission prior to its review. The bill would require the Legislative Analyst's Office to provide the commission with an estimate of the staffing needed to perform the commission's work.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 9147.7 of the Government Code is
- 2 amended to read:
- 3 9147.7. (a) For the purpose of this section, "eligible agency"
- 4 means any agency, authority, board, bureau, commission,
- 5 conservancy, council, department, division, or office of state
- 6 government, however denominated, excluding an agency that is
- 7 constitutionally created or an agency related to postsecondary
- 8 education, for which a date for repeal has been established by
- 9 statute on or after January 1, 2011.
- 10 (b) The Joint Sunset Review Committee is hereby created to
- 11 identify and eliminate waste, duplication, and inefficiency in
- 12 government agencies. The purpose of the committee is to conduct

1 a comprehensive analysis over 15 years, and on a periodic basis
2 thereafter, of every eligible agency to determine if the agency is
3 still necessary and cost effective.

4 (c) Each eligible agency scheduled for repeal shall submit to
5 the committee, on or before December 1 prior to the year it is set
6 to be repealed, a complete agency report covering the entire period
7 since last reviewed, including, but not limited to, the following:

8 (1) The purpose and necessity of the agency.

9 (2) A description of the agency budget, priorities, and job
10 descriptions of employees of the agency.

11 (3) Any programs and projects under the direction of the agency.

12 (4) Measures of the success or failures of the agency and
13 justifications for the metrics used to evaluate successes and failures.

14 (5) Any recommendations of the agency for changes or
15 reorganization in order to better fulfill its purpose.

16 (d) The committee shall take public testimony and evaluate the
17 eligible agency prior to the date the agency is scheduled to be
18 repealed. An eligible agency shall be eliminated unless the
19 Legislature enacts a law to extend, consolidate, or reorganize the
20 eligible agency. No eligible agency shall be extended in perpetuity
21 unless specifically exempted from the provisions of this section.
22 The committee may recommend that the Legislature extend the
23 statutory sunset date for no more than one year to allow the
24 committee more time to evaluate the eligible agency.

25 (e) The committee shall be comprised of 10 members of the
26 Legislature. The Senate Committee on Rules shall appoint five
27 members of the Senate to the committee, not more than three of
28 whom shall be members of the same political party. The Speaker
29 of the Assembly shall appoint five members of the Assembly to
30 the committee, not more than three of whom shall be members of
31 the same political party. Members shall be appointed within 15
32 days after the commencement of the regular session. Each member
33 of the committee who is appointed by the Senate Committee on
34 Rules or the Speaker of the Assembly shall serve during that
35 committee member's term of office or until that committee member
36 no longer is a Member of the Senate or the Assembly, whichever
37 is applicable. A vacancy on the committee shall be filled in the
38 same manner as the original appointment. Three Assembly
39 Members and three Senators who are members of the committee
40 shall constitute a quorum for the conduct of committee business.

1 Members of the committee shall receive no compensation for their
2 work with the committee.

3 (f) The committee shall meet not later than 30 days after the
4 first day of the regular session to choose a chairperson and to
5 establish the schedule for eligible agency review provided for in
6 the statutes governing the eligible agencies. The chairperson of
7 the committee shall alternate every two years between a Member
8 of the Senate and a Member of the Assembly, and the vice
9 chairperson of the committee shall be a member of the opposite
10 house as the chairperson.

11 (g) This section shall not be construed to change the existing
12 jurisdiction of the budget or policy committees of the Legislature.

13 (h) *This section shall remain in effect only until January 1, 20__,*
14 *and as of that date is repealed, unless a later enacted statute, that*
15 *is enacted before January 1, 20__, deletes or extends that date.*

16 SEC. 2. Article 7.6 (commencing with Section 9147.9) is added
17 to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
18 Code, to read:

19
20 Article 7.6. California Sunset Review Commission

21
22 9147.9. This article may be cited as the California Sunset
23 Review Commission Act.

24 9147.11. For the purpose of this section, the following
25 definitions shall apply:

26 (a) "Agency" means any agency, authority, board, bureau,
27 commission, conservancy, council, department, division, or office
28 of state government, however denominated, excluding an agency
29 that is constitutionally created or an agency related to
30 postsecondary education.

31 (b) "Commission" means the California Sunset Review
32 Commission.

33 (c) "Act" means the California Sunset Review Commission Act.

34 9147.13. The California Sunset Review Commission is hereby
35 created within the executive branch of state government. The
36 commission shall be located in Sacramento.

37 9147.15. (a) The commission shall consist of 10 members.

38 (1) The Governor shall appoint 8 members to serve a term of
39 four years.

1 (2) The Senate Committee on Rules shall appoint one Member
2 of the Senate to serve a term of two years or until that Member is
3 no longer a Member of the Senate, whichever is applicable.

4 (3) The Speaker of the Assembly shall appoint one Member of
5 the Assembly to serve a term of two years or until that Member is
6 no longer a Member of the Assembly, whichever is applicable.

7 (b) The commission shall appoint a chairperson from its
8 members appointed pursuant to paragraph (1).

9 (c) The Members of the Legislature appointed to the commission
10 shall serve at the pleasure of the appointing power and shall
11 participate in the activities of the commission to the extent that
12 the participation is not incompatible with their respective positions
13 as Members of the Legislature.

14 (d) A vacancy on the commission shall be filled in the same
15 manner as the original appointment.

16 (e) (1) The members of the commission shall serve without
17 compensation, except that each member appointed by the Governor
18 shall receive fifty dollars (\$50) for each day's attendance at a
19 meeting of the commission.

20 (2) Each member shall be allowed actual expenses incurred in
21 the discharge of his or her duties, including travel expenses.

22 9147.17. (a) The commission shall be under the direction of
23 a director appointed by the commission members.

24 (b) The director shall employ sufficient staff to carry out the
25 commission's responsibilities.

26 (c) The Legislative Analyst's Office shall estimate the staffing
27 needed to manage the workload of the commission.

28 9147.19. (a) The commission shall serve in an advisory
29 capacity and shall meet regularly to assess and review the
30 continuing need for an agency to exist.

31 (b) Prior to the commission's review of an agency, the
32 commission staff shall work with each agency to evaluate the need
33 for the agency to exist, identify required statutory, regulatory, or
34 management changes, and develop recommendation for legislative
35 proposals to enact those changes. The commission shall also
36 consult with interest groups, affected agencies, and other interested
37 parties in reviewing an agency.

38 (c) In carrying out its duties pursuant to this section, the
39 commission shall evaluate an agency pursuant to the following
40 criteria, as applicable:

1 (1) The efficiency and effectiveness of the agency's operations.

2 (2) Whether the agency has been successful in achieving its
3 mission, goals, and objectives.

4 (3) Whether the agency performs duties that are not statutorily
5 authorized and, if so, identify the authority for those activities and
6 whether those activities are needed.

7 (4) Whether the agency has any authority related to fees,
8 inspections, enforcement, and penalties.

9 (5) Whether the agency's functions and operations could be less
10 burdensome or restrictive while still serving the public.

11 (6) Whether the functions of the agency could be effectively
12 consolidated or merged with another agency to promote efficiency
13 in government.

14 (7) Whether the agency's programs and jurisdiction duplicate
15 those of other state agencies.

16 (8) Whether the agency promptly and effectively addresses
17 complaints.

18 (9) Whether the agency utilizes public participation for
19 rulemaking and decisions and, if so, whether it is done in an
20 effective manner.

21 (10) Whether the agency complied with federal and state
22 requirements regarding equal employment, privacy rights, and
23 purchasing guidelines for underutilized businesses.

24 (11) Whether the agency effectively enforces rules regarding
25 the potential conflicts of interest of its employees.

26 (12) Whether abolishing the agency would cause federal
27 government intervention or loss of federal funds.

28 (13) Whether the agency's statutory reporting requirements
29 effectively fulfill a useful purpose; and whether there are reporting
30 requirements of this agency that are duplicative of other agencies
31 or can effectively be combined or consolidated into another agency
32 that has similar requirements.

33 (d) The commission shall take public testimony from agency
34 staff, interest groups, and affected parties relating to whether an
35 agency should continue in existence.

36 (e) (1) The commission shall prepare a staff report to be
37 submitted to the Legislature. The report shall include, but not be
38 limited to, specific recommendations to the Legislature to enact
39 legislation to do the following:

1 (A) Repeal unnecessary, outdated, or unnecessary statutes,
2 regulations, and programs.

3 (B) Develop reorganization plans that abolish and streamline
4 existing agencies, if needed.

5 (2) A report to the Legislature pursuant to this section shall be
6 submitted in compliance with Section 9795.

7 (3) This subdivision shall become inoperative on January 1,
8 2018, pursuant to Section 10231.5

9 9147.21. Prior to review by the commission, an agency shall
10 submit a self-evaluation report to the commission. The report shall
11 include, but not be limited to, the criteria described in subdivision
12 (c) of Section 9147.19.

13 9147.23. In order to ensure accountability, the commission
14 shall demonstrate a 5-to-1 cost savings within the first five years
15 of sunset review hearings, and every five years thereafter. For
16 every dollar it costs to run the commission, five dollars (\$5) shall
17 be saved in streamlining the government process and eliminating
18 unnecessary agencies.

19 9147.25. This article shall become operative on January 1,
20 20__.

21 SEC. 3. Section 9148.8 of the Government Code is amended
22 to read:

23 9148.8. (a) The appropriate policy committee of the Legislature
24 may evaluate a plan prepared pursuant to Section 9148.4 or 9148.6.
25 The chairperson of a policy committee may alternatively require
26 that the Joint Sunset Review Committee evaluate and provide
27 recommendations on any plan prepared pursuant to Section 9148.4
28 or 9148.6, or any other legislative issue or proposal to create a new
29 state board.

30 (b) The Joint Sunset Review Committee shall provide to the
31 respective policy and fiscal committees of the Legislature any
32 evaluation and recommendations prepared pursuant to this section.

33 (c) If an appropriate policy committee does not evaluate a plan
34 prepared pursuant to Section 9148.6, then the Joint Sunset Review
35 Committee shall evaluate the plan and provide recommendations
36 to the Legislature.

37 (d) *This section shall remain in effect only until January 1, 20__,*
38 *and as of that date is repealed, unless a later enacted statute, that*
39 *is enacted before January 1, 20__, deletes or extends that date.*

SEC. 4. Section 9148.8 is added to the Government Code, to read:

9148.8. (a) The appropriate policy committee of the Legislature may evaluate a plan prepared pursuant to Section 9148.4 or 9148.6. The chairperson of a policy committee may alternatively require that the California Sunset Review Commission evaluate and provide recommendations on any plan prepared pursuant to Section 9148.4 or 9148.6, or any other legislative issue or proposal to create a new state board.

(b) The California Sunset Review Commission shall provide to the respective policy and fiscal committees of the Legislature any evaluation and recommendations prepared pursuant to this section.

(c) If an appropriate policy committee does not evaluate a plan prepared pursuant to Section 9148.6, then the California Sunset Review Commission shall evaluate the plan and provide recommendations to the Legislature.

This section shall become operative on January 1, 20__.

SEC. 5. Section 9148.50 of the Government Code is amended to read:

9148.50. The Legislature finds and declares all of the following:

(a) California's multilevel, complex governmental structure today contains more than 400 categories of administrative or regulatory boards, commissions, committees, councils, associations, and authorities.

(b) These administrative or regulatory boards, commissions, committees, councils, associations, and authorities have been established without any method of periodically reviewing their necessity, effectiveness, or utility.

(c) As a result, the Legislature and residents of California cannot be assured that existing or proposed administrative or regulatory boards, commissions, committees, councils, associations, and authorities adequately protect the public health, safety, and welfare.

(d) This section shall remain in effect only until January 1, 20__, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 20__, deletes or extends that date.

SEC. 6. Section 9148.51 of the Government Code is amended to read:

9148.51. (a) It is the intent of the Legislature that all existing and proposed eligible agencies, as defined in subdivision (a) of Section 9147.7, be subject to review to evaluate and determine

1 whether each has demonstrated a public need for its continued
2 existence in accordance with enumerated factors and standards as
3 set forth in Article 7.5 (commencing with Section 9147.7).

4 (b) If any state board becomes inoperative or is repealed in
5 accordance with the act that added this section, any provision of
6 existing law that provides for the appointment of board members
7 and specifies the qualifications and tenure of board members shall
8 not be implemented and shall have no force or effect while that
9 state board is inoperative or repealed.

10 (c) Any provision of law authorizing the appointment of an
11 executive officer by a state board subject to the review described
12 in Article 7.5 (commencing with Section 9147.7), or prescribing
13 his or her duties, shall not be implemented and shall have no force
14 or effect while the applicable state board is inoperative or repealed.

15 (d) *This section shall remain in effect only until January 1, 20__,*
16 *and as of that date is repealed, unless a later enacted statute, that*
17 *is enacted before January 1, 20__, deletes or extends that date.*

18 SEC. 7. Section 9148.52 of the Government Code is amended
19 to read:

20 9148.52. (a) The Joint Sunset Review Committee established
21 pursuant to Section 9147.7 shall review all eligible agencies.

22 (b) The committee shall evaluate and make determinations
23 pursuant to Article 7.5 (commencing with Section 9147.7).

24 (c) Pursuant to an evaluation made as specified in this section,
25 the committee shall make a report which shall be available to the
26 public and the Legislature on whether an agency should be
27 terminated, or continued, or whether its functions should be revised
28 or consolidated with those of another agency, and include any
29 other recommendations as necessary to improve the effectiveness
30 and efficiency of the agency. If the committee deems it advisable,
31 the report may include proposed legislative proposals that would
32 carry out its recommendations.

33 (d) *This section shall remain in effect only until January 1, 20__,*
34 *and as of that date is repealed, unless a later enacted statute, that*
35 *is enacted before January 1, 20__, deletes or extends that date.*

BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
March 6, 2013
BILL ANALYSIS

AUTHOR:	Nestande	BILL NUMBER:	AB 291
SPONSOR:		BILL STATUS:	Introduced
SUBJECT:	California Sunset Review Committee	DATE LAST AMENDED:	

SUMMARY:

Existing law establishes the Joint Sunset Review Committee, a legislative committee comprised of 10 Members of the Legislature, to identify and eliminate waste, duplication, and inefficiency in government agencies and to conduct a comprehensive analysis of every “eligible agency” for which a date for repeal has been established, to determine if the agency is still necessary and cost effective. Existing law requires each eligible agency scheduled for repeal to submit a report to the committee containing specified information. Existing law requires the committee to take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed, and requires that an eligible agency be eliminated unless the Legislature enacts a law to extend, consolidate, or reorganize the agency. Existing law also requires the committee to review eligible agencies and evaluate and determine whether each has demonstrated a public need for its continued existence and to submit a report to the Legislature detailing whether an agency should be terminated, continued, or whether its functions should be modified.

ANALYSIS:

This bill would abolish the Joint Sunset Review Committee on January 1 or an unspecified year. The bill would, commencing on that same January 1, establish the California Sunset Review Commission within the executive branch to assess the continuing need for any agency, as defined, to exist. The commission would consist of 10 members, with 8 members appointed by the Governor and 2 Members of the Legislature each appointed by the Senate Committee on Rules and the Speaker of the Assembly, subject to specified terms. The commission would be under the direction of a director appointed by the commission members. The bill would require the commission to meet regularly and to work with each agency subject to review to evaluate the need for the agency to exist, identify required statutory, regulatory, or management changes, and develop legislative proposals to enact those changes. The bill would require the commission to prepare a report, containing legislative recommendations based on its agency review, to be submitted to the Legislature and would also require the commission to meet certain cost-savings standards within 5 years.

This bill would require an agency to submit a specified self-evaluation report to the commission prior to its review. The bill would require the Legislative Analyst’s Office to provide the commission with an estimate of the staffing needed to perform the commission’s work.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

OPPOSE:

ASSEMBLY BILL

No. 361

Introduced by Assembly Member Mitchell

February 14, 2013

An act to add Article 3.9 (commencing with Section 14127) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 361, as introduced, Mitchell. Medi-Cal: Health Homes for Medi-Cal Enrollees and Section 1115 Waiver Demonstration Populations with Chronic and Complex Conditions.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing federal law authorizes a state, subject to federal approval of a state plan amendment, to offer health home services, as defined, to eligible individuals with chronic conditions.

This bill would authorize the department, subject to federal approval, to create a health home program for enrollees with chronic conditions, as prescribed, as authorized under federal law. This bill would provide that those provisions shall not be implemented unless federal financial participation is available and additional General Fund moneys are not used to fund the administration and service costs, except as specified. This bill would require the department to ensure that an evaluation of the program is completed, if created by the department, and would require that the department submit a report to the appropriate policy

and fiscal committees of the Legislature within 2 years after implementation of the program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The Health Homes for Enrollees with Chronic Conditions
4 option (Health Homes option) under Section 2703 of the federal
5 Patient Protection and Affordable Care Act (Affordable Care Act)
6 (42 U.S.C. Sec. 1396w-4) offers an opportunity for California to
7 address chronic and complex health conditions, including social
8 determinants that lead to poor health outcomes and high costs
9 among Medi-Cal beneficiaries.

10 (b) For example, people who frequently use hospitals for reasons
11 that could have been avoided with more appropriate care incur
12 high Medi-Cal costs and suffer high rates of early mortality due to
13 the complexity of their conditions and, often, their negative social
14 determinants of health. Frequent users have difficulties accessing
15 regular or preventive care and complying with treatment protocols,
16 and the significant number who are homeless have no place to
17 store medications, cannot adhere to a healthy diet or maintain
18 appropriate hygiene, face frequent victimization, and lack rest
19 when recovering from illness.

20 (c) Increasingly, health providers are partnering with community
21 behavioral health and social services providers to offer a
22 person-centered interdisciplinary system of care that effectively
23 addresses the needs of enrollees with multiple chronic or complex
24 conditions, including frequent hospital users and people
25 experiencing chronic homelessness. These health homes help
26 people with chronic and complex conditions to access better care
27 and better health, while decreasing costs.

28 (d) Federal guidelines allow the state to access enhanced federal
29 matching rates for health home services under the Health Homes
30 option for multiple target populations to achieve more than one
31 policy goal.

1 SEC. 2. Article 3.9 (commencing with Section 14127) is added
2 to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions
3 Code, to read:

4
5 Article 3.9. Health Homes for Medi-Cal Enrollees and Section
6 1115 Waiver Demonstration Populations with Chronic and
7 Complex Conditions
8

9 14127. For the purposes of this article, the following definitions
10 shall apply:

11 (a) "Department" means the State Department of Health Care
12 Services.

13 (b) "Federal guidelines" means all federal statutes, and all
14 regulatory and policy guidelines issued by the federal Centers for
15 Medicare and Medicaid Services regarding the Health Homes for
16 Enrollees with Chronic Conditions option under Section 2703 of
17 the federal Patient Protection and Affordable Care Act (Affordable
18 Care Act) (42 U.S.C. Sec. 1396w-4), including the State Medicaid
19 Director Letter issued on November 16, 2010.

20 (c) (1) "Health home" means a provider or team of providers
21 designated by the department that satisfies all of the following:

22 (A) Meets the criteria described in federal guidelines.

23 (B) Offers a whole person approach, including, but not limited
24 to, coordinating other available services that address needs affecting
25 a participating individual's health.

26 (C) Offers services in a range of settings, as appropriate, to meet
27 the needs of an individual eligible for health home services.

28 (2) Health home partners may include, but are not limited to, a
29 health plan, community clinic, a mental health plan, a hospital,
30 physicians, a clinical practice or clinical group practice, rural health
31 clinic, community health center, community mental health center,
32 home health agency, nurse practitioners, social workers,
33 paraprofessionals, housing navigators, and housing providers.

34 (3) For purposes of serving the population identified in Section
35 14127.3, the department shall require a lead provider to be a
36 community clinic, a mental health plan, a community-based
37 nonprofit organization, a county health system, or a hospital.

38 (4) The department may determine the model of health home
39 it intends to create, including any entity, provider, or group of
40 providers operating as a health team, as a team of health care

1 professionals, or as a designated provider, as those terms are
2 defined in Sections 3502(c)(2) and 1945(h)(5) and (h)(6) of the
3 Affordable Care Act, respectively.

4 (d) “Homeless” has the same meaning as that term is defined
5 in Section 91.5 of Title 24 of the Code of Federal Regulations. A
6 “chronically homeless individual” means an individual whose
7 conditions limit his or her activities of daily living and who has
8 experienced homelessness for longer than a year or for four or
9 more episodes over three years. An individual who is currently
10 residing in transitional housing or who has been residing in
11 permanent supportive housing for less than two years shall be
12 considered a chronically homeless individual if the individual was
13 chronically homeless prior to his or her residence.

14 14127.1. Subject to federal approval, the department may do
15 all of the following to create a California Health Home Program,
16 as authorized under Section 2703 of the Affordable Care Act:

17 (a) Design, with opportunity for public comment, a program to
18 provide health home services to Medi-Cal beneficiaries and Section
19 1115 waiver demonstration populations with chronic conditions.

20 (b) Contract with new providers, new managed care plans,
21 existing Medi-Cal providers, existing managed care plans, or
22 counties to provide health home services, as provided in Section
23 14128.

24 (c) Submit any necessary applications to the federal Centers for
25 Medicare and Medicaid Services for one or more state plan
26 amendments to provide health home services to Medi-Cal
27 beneficiaries, to newly eligible Medi-Cal beneficiaries upon
28 Medicaid expansion under the Affordable Care Act, and, if
29 applicable, to Low Income Health Program (LIHP) enrollees in
30 counties with LIHPs willing to match federal funds.

31 (d) Except as specified in Section 14127.3, define the
32 populations of eligible individuals.

33 (e) Develop a payment methodology, including, but not limited
34 to, fee-for-service or per member, per month payment structures
35 that include tiered payment rates that take into account the intensity
36 of services necessary to outreach to, engage, and serve the
37 populations the department identifies.

38 (f) Identify health home services, consistent with federal
39 guidelines.

1 (g) The department may submit applications and operate, to the
2 extent permitted by federal law and to the extent federal approval
3 is obtained, more than one health home program for distinct
4 populations, different providers or contractors, or specific
5 geographic areas.

6 14127.2. (a) The department may design one or more state
7 plan amendments to provide health home services to children and
8 adults pursuant to Section 14127.1, and, in consultation with
9 stakeholders, shall develop the geographic criteria, beneficiary
10 eligibility criteria, and provider eligibility criteria for each state
11 plan amendment.

12 (b) (1) Subject to federal approval for receipt of the enhanced
13 federal match, services provided under the program established
14 pursuant to this article shall include all of the following:

15 (A) Comprehensive and individualized care management.

16 (B) Care coordination and health promotion, including
17 connection to medical, mental health, and substance use care.

18 (C) Comprehensive transitional care from inpatient to other
19 settings, including appropriate followup.

20 (D) Individual and family support, including authorized
21 representatives.

22 (E) Referral to relevant community and social services supports,
23 including, but not limited to, connection to housing for participants
24 who are homeless or unstably housed, transportation to
25 appointments needed to managed health needs, and peer recovery
26 support.

27 (F) Health information technology to identify eligible individuals
28 and link services, if feasible and appropriate.

29 (2) According to beneficiary needs, the health home provider
30 may provide less intensive services or graduate the beneficiary
31 completely from the program upon stabilization.

32 (c) (1) The department shall design a health home program
33 with specific elements to engage and serve eligible individuals,
34 and health home program outreach and enrollment shall specifically
35 focus on these populations.

36 (2) The department shall design program elements, including
37 provider rates specific to eligible populations defined by the
38 department pursuant to subdivision (d) of Section 14127.1 and
39 targeted beneficiaries described in Section 14127.3, if applicable,
40 after consultation with stakeholder groups who have expertise in

1 engagement and services for those individuals. The department
2 shall design the health home program with specific elements to
3 engage and serve these populations, and these populations shall
4 be a specific focus for health home program outreach and
5 enrollment.

6 14127.3. (a) If the department creates a health home program
7 pursuant to this article, the department shall determine whether a
8 health home program that targets adults is operationally viable.

9 (b) (1) In determining whether a health home program that
10 targets adults is operationally viable, the department shall consider
11 whether a state plan amendment could be designed in a manner
12 that minimizes the impact on the General Fund, whether the
13 department has the capacity to administer the program, and whether
14 a sufficient provider network exists for providing health home
15 services to the population described in this section.

16 (2) If the department determines that a health home program
17 that targets adults is operationally viable pursuant to paragraph
18 (1), then the department shall design a state plan amendment to
19 target beneficiaries who meet the criteria specified in subdivision
20 (c).

21 (3) (A) If the department determines a health home program
22 that targets adults is not operationally viable, then the department
23 shall report the basis for this determination, as well as a plan to
24 address the needs of the chronically homeless and frequent hospital
25 users to the appropriate policy and fiscal committees of the
26 Legislature.

27 (B) The requirement for submitting the report and plan under
28 subparagraph (A) is inoperative four years after the date the report
29 is due, pursuant to Section 10231.5 of the Government Code.

30 (c) A state plan amendment designed pursuant to this section
31 shall target beneficiaries who meet both of the following criteria:

32 (1) Have current diagnoses of chronic, cooccurring physical
33 health, mental health, or substance use disorders prevalent among
34 frequent hospital users at an acuity level to be determined by the
35 department.

36 (2) Have one or more of the following indicators of severity, at
37 a level to be determined by the department:

38 (A) Frequent inpatient hospital admissions, including
39 hospitalization for medical, psychiatric, or substance use related
40 conditions.

1 (B) Excessive use of crisis or emergency services.

2 (C) Chronic homelessness.

3 (d) (1) For the purposes of providing health home services to
4 targeted beneficiaries who meet the criteria in subdivision (c), the
5 department shall select designated health home providers, managed
6 care organizations subcontracting with providers, or counties acting
7 as or subcontracting with providers operating as a health home
8 team that have all of the following:

9 (A) Demonstrated experience working with frequent hospital
10 users.

11 (B) Demonstrated experience working with people who are
12 chronically homeless.

13 (C) The capacity and administrative infrastructure to participate
14 in the program, including the ability to meet requirements of federal
15 guidelines.

16 (D) A viable plan, with roles identified among providers of the
17 health home, to do all of the following:

18 (i) Reach out to and engage frequent hospital users and
19 chronically homeless eligible individuals.

20 (ii) Link eligible individuals who are homeless or experiencing
21 housing instability to permanent housing, such as supportive
22 housing.

23 (iii) Ensure coordination and linkages to services needed to
24 access and maintain health stability, including medical, mental
25 health, substance use care, and social services to address social
26 determinants of health.

27 (2) The department may design additional provider criteria to
28 those identified in paragraph (1) after consultation with stakeholder
29 groups who have expertise in engagement and services for targeted
30 beneficiaries described in this section.

31 (3) The department may authorize health home providers eligible
32 under this subdivision to serve Medi-Cal enrollees through a
33 fee-for-service or managed care delivery system, and shall allow
34 for both county-operated and private providers to participate in
35 the California Health Home program.

36 14127.4. (a) The department shall administer this article in a
37 manner that attempts to maximize federal financial participation,
38 consistent with federal law.

39 (b) This article shall not be construed to preclude local
40 governments or foundations from contributing the nonfederal share

1 of costs for services provided under this program, so long as those
2 contributions are permitted under federal law. The department, or
3 counties contracting with the department, may also enter into
4 risk-sharing and social impact bond program agreements to fund
5 services under this article.

6 (c) In accordance with federal guidelines, the state may limit
7 availability of health home or enhanced health home services
8 geographically.

9 14127.5. (a) If the department creates a health home program,
10 the department shall ensure that an evaluation of the program is
11 completed and shall, within two years after implementation, submit
12 a report to the appropriate policy and fiscal committees of the
13 Legislature.

14 (b) The requirement for submitting the report under subdivision
15 (a) is inoperative four years after the date the report is due, pursuant
16 to Section 10231.5 of the Government Code.

17 14127.6. (a) This article shall be implemented only if and to
18 the extent federal financial participation is available and the federal
19 Centers for Medicare and Medicaid Services approves any state
20 plan amendments sought pursuant to this article.

21 (b) Except as provided in subdivisions (c) and (d), this article
22 shall be implemented only if no additional General Fund moneys
23 are used to fund the administration and costs of services.

24 (c) Notwithstanding subdivision (b), prior to and during the first
25 eight quarters of implementation, if the department projects, based
26 on analysis of current and projected expenditures for health home
27 services, that this article can be implemented in a manner that does
28 not result in a net increase in ongoing General Fund costs for the
29 Medi-Cal program, the department may use state funds to fund
30 any program costs.

31 (d) Notwithstanding subdivision (b), if the department projects,
32 after the first eight quarters of implementation, that implementation
33 of this article has not resulted in a net increase in ongoing General
34 Fund costs for the Medi-Cal program, the department may use
35 state funds to fund any program costs.

36 (e) The department may use new funding in the form of
37 enhanced federal financial participation for health home services
38 that are currently funded to fund any additional costs for new health
39 home program services.

1 (f) The department shall seek to fund the creation,
2 implementation, and administration of the program with funding
3 other than state general funds.

4 (g) The department may revise or terminate the health home
5 program any time after the first eight quarters of implementation
6 if the department finds that the program fails to result in improved
7 health outcomes or results in substantial General Fund expense
8 without commensurate decreases in Medi-Cal costs among program
9 participants.

10 14128. (a) In the event of a judicial challenge of the provisions
11 of this article, this article shall not be construed to create an
12 obligation on the part of the state to fund any payment from state
13 funds due to the absence or shortfall of federal funding.

14 (b) For the purposes of implementing this article, the department
15 may enter into exclusive or nonexclusive contracts on a bid or
16 negotiated basis, and may amend existing managed care contracts
17 to provide or arrange for services under this article. Contracts may
18 be statewide or on a more limited geographic basis. Contracts
19 entered into or amended under this section shall be exempt from
20 the provisions of Chapter 2 (commencing with Section 10290) of
21 Part 2 of Division 2 of the Public Contract Code and Chapter 6
22 (commencing with Section 14825) of Part 5.5 of Division 3 of the
23 Government Code, and shall be exempt from the review or
24 approval of any division of the Department of General Services.

25 (c) (1) Notwithstanding Chapter 3.5 (commencing with Section
26 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
27 the department may implement, interpret, or make specific the
28 process set forth in this article by means of all-county letters, plan
29 letters, plan or provider bulletins, or similar instructions, without
30 taking regulatory action, until such time as regulations are adopted.
31 It is the intent of the Legislature that the department be provided
32 temporary authority as necessary to implement program changes
33 until completion of the regulatory process.

34 (2) The department shall adopt emergency regulations no later
35 than two years after implementation of this article. The department
36 may readopt, up to two times, any emergency regulation authorized
37 by this section that is the same as or substantially equivalent to an
38 emergency regulation previously adopted pursuant to this section.

39 (3) The initial adoption of emergency regulations implementing
40 this article and the readoptions of emergency regulations authorized

1 by this section shall be deemed an emergency and necessary for
2 the immediate preservation of the public peace, health, safety, or
3 general welfare. Initial emergency regulations and readoptions
4 authorized by this section shall be exempt from review by the
5 Office of Administrative Law. The initial emergency regulations
6 and readoptions authorized by this section shall be submitted to
7 the Office of Administrative Law for filing with the Secretary of
8 State and shall remain in effect for no more than 180 days, by
9 which time final regulations may be adopted.

O

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
March 6, 2013
BILL ANALYSIS**

AUTHOR:	Mitchell	BILL NUMBER:	AB 361
SPONSOR:		BILL STATUS:	Introduced
SUBJECT:	Medi-Cal: Health homes for Medi-Cal enrollees	DATE LAST AMENDED:	

SUMMARY:

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing federal law authorizes a state, subject to federal approval of a state plan amendment, to offer health home services, as defined, to eligible individuals with chronic conditions.

ANALYSIS:

This bill would authorize the department, subject to federal approval, to create a health home program for enrollees with chronic conditions, as prescribed, as authorized under federal law. This bill would provide that those provisions shall not be implemented unless federal financial participation is available and additional General Fund moneys are not used to fund the administration and service costs, except as specified. This bill would require the department to ensure that an evaluation of the program is completed, if created by the department, and would require that the department submit a report to the appropriate policy and fiscal committees of the Legislature within 2 years after implementation of the program.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

OPPOSE:

Introduced by Senator Hernandez

February 14, 2013

An act to amend Section 128401 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 271, as introduced, Hernandez. Associate Degree Nursing Scholarship Program.

Existing law establishes, until January 1, 2014, the statewide Associate Degree Nursing (A.D.N.) Scholarship Pilot Program in the Office of Statewide Health Planning and Development to provide scholarships to students, in accordance with prescribed requirements, in counties determined to have the most need. Existing law provides that the program be funded from the Registered Nurse Education Fund, administered by the Health Professions Education Foundation within the office.

This bill would extend the operation of this program indefinitely and would make related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 128401 of the Health and Safety Code
- 2 is amended to read:
- 3 128401. (a) The Office of Statewide Health Planning and
- 4 Development shall adopt regulations establishing the statewide
- 5 Associate Degree Nursing (A.D.N.) Scholarship ~~Pilot~~ Program.

1 (b) Scholarships under the ~~pilot~~ program shall be available only
2 to students in counties determined to have the most need. Need in
3 a county shall be established based on consideration of all the
4 following factors:

5 (1) Counties with a registered nurse-to-population ratio equal
6 or less than 500 registered nurses per 100,000 individuals.

7 (2) County unemployment rate.

8 (3) County level of poverty.

9 (c) A scholarship recipient shall be required to complete, at a
10 minimum, an associate degree in nursing and work in a medically
11 underserved area in California upon obtaining his or her license
12 from the Board of Registered Nursing.

13 (d) The Health Professions Education Foundation shall consider
14 the following factors when selecting recipients for the A.D.N.
15 Scholarship ~~Pilot~~ Program:

16 (1) An applicant's economic need, as established by the federal
17 poverty index.

18 (2) Applicants who demonstrate cultural and linguistic skills
19 and abilities.

20 (e) The ~~pilot~~ program shall be funded from the Registered Nurse
21 Education Fund established pursuant to Section 128400 and
22 administered by the Health Professions Education Foundation
23 within the office. The Health Professions Education Foundation
24 shall allocate a portion of the moneys in the fund for the ~~pilot~~
25 program established pursuant to this section, in addition to moneys
26 otherwise allocated pursuant to this article for scholarships and
27 loans for associate degree nursing students.

28 (f) No additional staff or General Fund operating costs shall be
29 expended for the ~~pilot~~ program.

30 (g) The Health Professions Education Foundation may accept
31 private or federal funds for purposes of the A.D.N. Scholarship
32 ~~Pilot~~ Program.

33 ~~(h) This section shall remain in effect only until January 1, 2014,~~
34 ~~and as of that date is repealed, unless a later enacted statute, that~~
35 ~~is enacted before January 1, 2014, deletes or extends that date.~~

**BOARD OF REGISTERED NURSING
LEGISLATIVE COMMITTEE
March 6, 2013
BILL ANALYSIS**

AUTHOR:	Hernandez, E.	BILL NUMBER:	SB 271
SPONSOR:		BILL STATUS:	Introduced
SUBJECT:	Associate Degree Nursing Scholarship Program	DATE LAST AMENDED:	

SUMMARY:

Existing law establishes, until January 1, 2014, the statewide Associate Degree Nursing (A.D.N.) Scholarship Pilot Program in the Office of Statewide Health Planning and Development to provide scholarships to students, in accordance with prescribed requirements, in counties determined to have the most need. Existing law provides that the program be funded from the Registered Nurse Education Fund, administered by the Health Professions Education Foundation within the office.

ANALYSIS:

This bill would extend the operation of this program indefinitely and would make related changes.

BOARD POSITION:

LEGISLATIVE COMMITTEE RECOMMENDED POSITION:

SUPPORT:

OPPOSE: